

CHAPTER 52.

RELATING TO CONSTRUCTION AND REPAIR OF ROADS.

S. F. 247.

AN ACT to Amend Section 488 of the Code of 1873, in Relation to the Use of the Highway Tax of Incorporated Towns and Cities in Certain Cases.

Code, § 488
amended.

Towns and
cities under
10,000 inhab-
itants may devote
part of road tax
to roads leading
thereto.

Council may
order a portion
of highway tax
on roads outside
the city or town.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 488, of the Code of 1873, be and the same is hereby amended by adding thereto the following words: "*Provided*, that in incorporated towns, and cities of the second class, whether organized under a special charter or under the general incorporation law, with a population under ten thousand inhabitants, whenever one-third of the resident tax-payers of such incorporated town or city shall petition the trustees or council of such incorporated town or city, asking that a portion of the highway tax of such incorporated town or city may be used to aid in the construction or repair of highways outside and within three miles of the limits of such incorporated town or city, such trustees or council may, upon the presentation of such petition, order a part of the highway tax of such incorporated town or city, not exceeding twenty-five per cent thereof, to be used and expended to aid in the construction or repair of highways outside and within three miles of the limits of such incorporated town or city.

Approved, March 16, 1880.

CHAPTER 53.

RELATIVE TO TOWN OR CITY LOTS.

H. F. 120.

AN ACT to Provide that Lands to be Laid Out into Town or City Lots shall be Free from Incumbrance, or that Security shall be given against such Incumbrance, and that such Lots when thus Laid Out shall be Accurately Described relative to some Established Corner of the Congressional Division of which they are part, and Repealing Chapter 25 of the Laws of the Fifteenth General Assembly, and Chapter 63 of the Laws of the Sixteenth General Assembly.

Be it enacted by the General Assembly of the State of Iowa:

Persons laying
out lands into
town or city lots
to procure cer-
tificates that
they are free
from incum-
brance.

SECTION 1. That whenever any person or corporation shall lay out any parcel of land into town or city lots in accordance with chapter 12, title IV of the Code, such person shall procure from the treasurer of the county in which the land lies a certified statement that the land thus laid out into lots, streets and alleys is

free from taxes, and shall also procure a certified statement from the recorder of such county, that the title in fee to said land is in such proprietor, and that the same is free from every incumbrance; which certified statements shall both be filed with the recorder before the plat of said town or city lots shall be admitted to record or of any validity: *Provided, however*, that if the parcel of land so laid out shall be incumbered with a debt certain in amount, and which will fall due not more than two years after the making of the affidavit hereinafter provided for, and which the creditor will not accept with accrued interest to the day of proffered payment, if it draws interest, or with a rebate of interest at the rate of six per centum per annum if it draws no interest or if the creditor cannot be found, then such proprietor, and if a corporation its proper officer or agent, may file with the recorder of such county his affidavit, stating either that such proprietor, has offered to pay such creditor the full amount of his debt, with interest or with a rebate of interest, as the case may be, and that such creditor would not accept the same, or that such creditor cannot be found, whereupon such proprietor may execute a bond double the amount of such incumbrance with three sureties who shall be freeholders of the county, to be approved by the recorder and clerk of the county, which bond shall run to the county, and shall be for the benefit of the purchasers of any of such town or city lots, and shall be conditioned for the payment of such incumbrance and the cancellation thereof of record as soon as practicable after the same becomes due and for the holding of all such purchasers and those claiming under them forever harmless from such incumbrance; and when such affidavit and bond shall have been filed with the recorder, together with a certificate of the treasurer that said land is free from taxes, and the certificate of the recorder that the title in fee to said land is in such proprietor, and that the same is free from all incumbrance except that secured by said bond, said plat shall be admitted to record, and be equally valid as if such proprietor had filed with the recorder the certificate of such recorder that said land was free from all incumbrance.

SEC. 2. All the certificates, affidavits and bonds provided for in the preceding section shall be recorded in connection with the plat to which they relate in the office of the recorder before the said plat or the record thereof shall be of any validity.

SEC. 3. The record and plat of every town, or city, or addition thereto, which may be thus laid out, shall give the bearing and distance from some corner of a lot or block in said town, or city, or part thereof, to some corner of the congressional division of which said town, city, or addition is a part.

SEC. 4. The provisions of this act shall not prevent the annexation of contiguous territory to cities and towns under sections 426, 427, 428, and 429 of chapter 10, title IV of the Code, and chapter 47 of the laws of the sixteenth general assembly, as amended by chapter 169 of the laws of the seventeenth general assembly.

Filed with recorder.

Proviso: shall not affect incumbrance falling due in two years and certain in amount when full payment has been tendered.

Affidavit of proprietor.

Proprietor to execute bond.

File bond and certificate of county treasurer with recorder.

Certificates, affidavits and bonds recorded in connection with plat.

Record and plat to show bearing and distance from government corner.

Not to affect annexation of contiguous territory, when.

Chapter 25,
15th G. A. and
chapter 63, 16th
G. A. repealed.

Publication.

SEC. 5. Chapter 25 of the laws of the fifteenth general assembly, and chapter 63 of the laws of the sixteenth general assembly are hereby repealed.

SEC. 6. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 16, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader*, March 20, 1880.

J. A. T. HULL, *Secretary of State*.

CHAPTER 54.

RELATIVE TO PARDON OF WM. RILEY.

H. F. 434.

AN ACT to Legalize the publication of Notice in Relation to the Pardon of William Riley.

Preamble.

Publication of
notice not com-
pleted 20 days
prior to conven-
ing of G. A.

Not submitted
to G. A. in time
prescribed.

Legalizing
clause.

Publication.

WHEREAS, By mistake, the publication of notice required by law authorizing the pardon of convicts for murder in the first degree, in the matter of the application of William Riley for pardon, was not completed twenty days prior to the convening of the general assembly, said publication having been only completed within five days of such period; and,

WHEREAS, Said matter was not submitted to the general assembly until more than twenty days had elapsed from the date of completed service of such notice by publication before said matter was submitted to the general assembly by the governor; and,

WHEREAS, No objections have been filed or remonstrance made against such proposed pardon by any person whatever; therefore,
Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the publication of notice made pertaining to the pardon of William Riley, convict, be and the same is hereby legalized, and that said publication shall have the same force and effect as if the same had been made and completed within the time specified by law.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved, March 17, 1880.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 20, 1880, and in the *Iowa State Register*, April 17, 1880.

J. A. T. HULL, *Secretary of State*.